

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN D. WHEELER & ASSOCIATES,

Plaintiff,

v.

No. 2:21-cv-743 GJF/KRS

DEFENSE HEALTH AGENCY

Defendant.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on January 12, 2022. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below.

Upon review of the Local Rules of Civil Procedure concerning Freedom of Information Act cases, which are exempt from pre-trial case management pursuant to Local Rule 16.3(m), **IT IS HEREBY ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Defendant to produce responsive documents that are the subject of Plaintiff's FOIA request, as well as a Vaughn index: **January 31, 2022;**
- (b) Deadline for Plaintiff to contact Defendant with their challenges to the exemptions claimed and attempt a negotiated agreement as to those documents that Plaintiff believes should not be redacted and to the sufficiency of the search undertaken by Defendant: **March 2, 2022;**
- (c) Deadline for Defendant to respond to Plaintiff's challenges to the document production and provide information as to the sufficiency of the search: **April 1, 2022;**
- (d) Deadline for parties to file a dispositive motion: **May 2, 2022;**

- (e) Responses to dispositive motions due: **June 1, 2022;**
- (f) Replies due: **June 15, 2022.**

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time-period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE